

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ELAINE CHAO, SECRETARY OF  
LABOR, UNITED STATES  
DEPARTMENT OF LABOR,

Plaintiff,

v.

Civ. No.: 04 11982 RCL

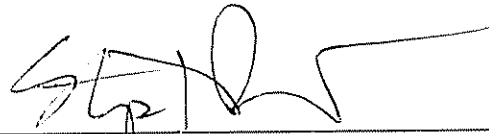
MODERN CONTINENTAL  
CONSTRUCTION COMPANY,

Defendant.

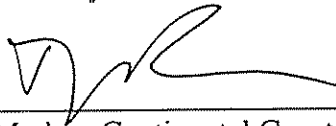
**DEFENDANT'S LOCAL RULE 16.1 CERTIFICATION**

Defendant Modern Continental Construction Co., Inc. (improperly named in the Complaint as "Modern Continental Construction Company") and the undersigned counsel for Defendant, in accordance with Rule 16.1(D)(3) of the Local Rules of the United States District Court for the District of Massachusetts, hereby certify that they have conferred:

- a. with a view to establishing a budget for the cost of conducting the full course - and various alternative courses of this litigation; and
- b. to consider the resolution of this case through the use of alternative dispute resolution programs, such as those outlined in Local Rule 16.4.



Stephen T. Paterniti, BBO #564860  
Jackson Lewis LLP  
Attorney for Defendant



Modern Continental Construction Co., Inc.

Dated: December 28, 2004